

REMARKS

Claims 1 and 3 have been amended. Claims 1, 3 and 4 remain pending in this application.

Claims 1, 3 and 4 remain rejected as anticipated by Caenen (FR 2,718,635) and obvious over Caenen in view of Heldreth (EP 0636352). While the Examiner acknowledges that a “substantially straight section” means a section that is “largely or mostly straight but does not have to be completely straight”, and even admits that the section relied upon in Caenen constitutes an arc, the Examiner insists that the “slightly curved arcs” in Caenen are “mostly straight but not completely straight”. Applicant respectfully disagrees, and maintains that a reasonable skilled person would not view any portion of the 180° arcs disclosed by Caenen and relied upon by the Examiner as “mostly straight”.

Nonetheless, in an effort to expedite prosecution Applicant has amended claims 1, 3 and 4 to recite the claimed invention in a different manner. Claim 1 now recites a connection profile on a prosthesis having a leading edge with a single projecting tip in a triangular configuration. The projecting tip points in a direction of insertion into one of the cover plates, and comprises a pair of profile sections that form sides of the triangular configuration that meet at an angle not greater than 150°. Support for these amendments may be found in the specification at lines 1-9 of page 5.

In contrast, Caenen does not disclose a leading edge with a single projecting tip. Caenen does not disclose a projecting tip in a triangular configuration. And Caenen does not disclose profile sections that form sides of a triangular configuration that meet at an angle not greater than 150°. Rather, Caenen discloses a core having a leading edge configured as an inverted, or inward-pointing, “U” that is neither triangular nor singularly projecting.

Further, in real-world applications in which connection tolerances exist, the claimed single projecting tip provides one guaranteed positive positioning of a core. This greatly enhances stability with respect to relative movements between the core and cover plate. In

contrast, the configuration in Caenen provides two such positionings, corresponding to the two round portions of the leading edge to which the Examiner has attached tangent lead lines. This configuration is inferior to the claimed configuration in terms of stability, similar to how the stability of a four-legged chair is inferior to that of a three-legged stool.

Accordingly, because Caenen does not disclose the elements required by the claims, the rejections of claims 1, 3 and 4 should be withdrawn. Further, the fundamental deficiencies of Caenen are not compensated for by the additional reference of Heldreth, as Heldreth similarly fails to disclose a leading edge with a single projecting tip as claimed. Rather, as shown in FIG. 5, Heldreth discloses an inward pointing cut-out similar to Caenen.

In view of the above, early action allowing claims 1, 3 and 4 is solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 246472005200.

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Respectfully submitted,

By Bradley J. Meier
Bradley J. Meier

Registration No.: 44,236
Morrison & Foerster LLP
1650 Tysons Blvd, Suite 400
McLean, Virginia 22102
Telephone: (703) 760-7700
Facsimile: (703) 760-7777